IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 13 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHESHKUMAR RATANLAL SHAH

Versus

DEPUTY CONSERVATOR OF FOREST

Appearance:

MR AV PRAJAPATI for Petitioner

NOTICE SERVED BY DS for Respondent No. 1

PUBLIC PROSECUTOR for Respondent No. 3

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 01/02/2000

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.S.K.Patel, learned APP on behalf of the State.

1. Heard. In the facts and circumstances of the

case, following order is required to be passed, particularly bearing in mind the decision of this Court in Special Civil Application No. 3700 of 1984 rendered on 7.4.1986 (Coram : A.M. Ahmedi & S.A.Shah, JJ) as Their Lordships the then were) and other decisions, copies whereof have been annexed with this petition. Mr. Prajapati, learned advocate appearing on behalf of the petitioner states that the petitioner will participate in the adjudication proceedings and will also appear before the concerned Range Forest Officer for recording of his statement and that any order passed in the adjudication proceeding will be ultimately binding on the parties subject to their right to challenge the same by taking appropriate legal action. In the meantime, the respondent no. 2 is directed to hand over the custody of the vehicle in question to the petitioner on giving undertaking to this Court to the following effect.

(1) The petitioner shall appear before the respondent no.2 as and when required.

(2) He shall not transfer the vehicle in question in any manner whatsoever nor shall he part with the possession.

(3) He shall maintain the vehicle in question in working condition till the final order is ultimately passed.

(4) He shall attend to the confiscation proceeding before the Competent Authority as and when required.

(5) He shall produce the vehicle before the concerned authority of the respondent whenever called upon to do so for the purpose of inspection.

(6) He shall surrender the vehicle in question within 60 days from the date of the order of the Competent Authority unless he produces an order from the higher authority.

(7) He shall furnish the solvent security in the sum of Rs. 2.00 lacs (Two lacs only) to the satisfaction of respondent no.2.

Rule made absolute in the aforesaid terms.

(A.L. DAVE, J.)

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pirzada/-